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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR			ATTORNEY DOCKET NO.	
08/922,263	09/02/97	CROWLEY		E BSCO11		11
		9M41/0630	٦		EXAMINE	ER
TESTA HURWIT		SHAY, D				
HIGH STREET 125 HIGH STR				ART UNI	Т	PAPER NUMBER
BOSTON MA 02	2110			3739		
				DATE MAILE		30/9 <del>9</del>

Please find below and/or attached an Office communication concerning this application or proceeding.

**Commissioner of Patents and Trademarks** 



## UNITED STATES DEPARTMENT OF COMMERCE Patent and Trademark Office Address: COMMISSIONER OF PATENTS AND TRADEMARKS

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY, DOCKET NO.		
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			EXAMINER		
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		٠	ART UNIT PAPER NUMBER		
			DATE MAILED:		
	from the examiner in charge				
		OFFICE ACTION SUMMARY			
Because to some	unication(s) filed on	M 3 / 44 9.			
<b>/</b> .	inication(s) filed on	3/111	· · · · · · · · · · · · · · · · · · ·		
This action is FINAL.					
		nce except for formal matters, prosecution Quayle, 1935 D.C. 11; 453 O.G. 213.	n as to the merits is closed in		
cnever is longer, from t	he mailing date of this co	ction is set to expire	month(s), or thirty days, ne period for response will cause ed under the provisions of 37 CFR		
position of Claims					
		,			
Claim(s) 1-51	15 10 5 6 11		is/are pending in the application		
Of the above, claim(s)	18,19,31,45,46,0	~d51	is/are withdrawn from consideration		
Of the above, claim(s) Claim(s)			is/are withdrawn from consideration is/are allowed.		
Of the above, claim(s) Claim(s)	18,19,31,45,46,0 -30,32-44, and 4		is/are withdrawn from consideration is/are allowed. is/are rejected.		
Of the above, claim(s) Claim(s) Claim(s) 1-17,7.0		17-50	is/are withdrawn from consideration is/are allowed.		
Of the above, claim(s) Claim(s) Claim(s) 1-17, 2.0- Claim(s)		17-50	is/are withdrawn from consideration is/are allowed. is/are rejected. is/are objected to.		
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-SEE OFFICE ACTION ON THE FOLLOWING PAGES-

Notice of Informal Patent Application, PTO-152

# U.S. GPO: 1996-404-498/40517

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Art Unit: 3739

The rejections set forth in the previous Office action are hereby repeated.

Applicant argues that the originally filed specification discloses "a device <u>capable</u> of being placed near an internal tissue region, <u>such as</u>, a catheter..." (Emphasis added). The Examiner notes that the recitation "such as" clearly denotes that the succeeding list is not exhaustive. The Examiner further notes that that with, for example, a sufficiently large incision, the device of Vona is <u>capable</u> of being placed near an internal tissue region. Since typical lithotriptors generate shock waves sufficient to produce sonolumuesence the claims are met. The preceding arguments also apply to Takayama. The Examiner has been unable to locate any disclosure in the instant specification drawn to specific "acoustic conducting media necessary to generate light." Thus the coupling fluid of Champelin is considered to be sufficient to do so.

The arguments regarding intereventional devices set forth above also apply to Ervin.

The recitation of the light sources discussed by applicant is noted. The Examiner has already discussed these sources as being well known in the art. The Examiner also notes that these particular sources are not critical to applicants invention and provide no unexpected result.

Applicant's arguments filed May 3, 1999 have been fully considered but they are not persuasive.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

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Art Unit: 3739

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Applicant's arguments filed May 3, 1999 have been fully considered but they are not persuasive.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to David Shay at

telephone number (703) 308-2215.

DAVID M. SHAY PRIMARY EXAMINER GROUP 380